

# Notice of Allowability

Application No.

09/854,307

Examiner

JENISE E. JACKSON

Applicant(s)

FRIEDMAN, SOLOMON

Art Unit

2139

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/6/07.
2. ☒ The allowed claim(s) is/are 1-32 and 43-52.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 20061018
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*Kustine Kincaid*  
Supervisory Patent Examiner  
AU 2139

*Reasons for Allowance*

1. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. Claims 1-32, 43-52 are allowable. The following is an examiner's statement of reasons for allowance: O'Flaherty does not disclose a transaction is conducted either automatically or manually, and a registered vendor involved in the transaction has communications thorough the PSN to complete the transaction but without ever gaining access to the personal data of the subscriber, thereby preserving the privacy of the subscriber throughout the transaction.

O'Flaherty discloses customers(i.e. subscribers) has an assigned set of rows and/or columns where privacy preferences can be entered from a remote location by the customer. The entity maintaining the centralized database continues to add transaction information that define the customers' buying patterns. The information in the centralized customer database can then be sold to telemarketers, direct mail merchants by the maintaining entity, in accordance with the preferences, entered by the customer. The centralized system of O'Flaherty is directly contrary to the claims which remains under the control of the subscriber.

3. O'Flaherty discloses the customer is provided with a loyalty card, or the like, on which the customer's current privacy preferences, as recorded in the lines and columns of the centralized database are stored. However, there is no way by which the customer can change the preferences on the loyalty card except by interactively engaging the card with a kiosk or other

Art Unit: 2139

terminal that is in communication with the centralized database. The customer in the O'Flaherty system cannot read her preferences from the card without a terminal monitor that is in communication with the centralized database. O'Flaherty does not disclose or suggest the pad which the user enters and maintains own privacy profile. O'Flaherty does not suggest or disclose giving the autonomy of maintaining a subscriber profile with a privacy service provider.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENISE E. JACKSON whose telephone number is (571)272-3791. The examiner can normally be reached on M-Th (6:00 a.m. - 3:30 p.m.) alternate Friday's.

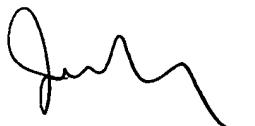
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 09/854,307

Page 4

Art Unit: 2139

A handwritten signature in black ink, appearing to read 'Kristine Kincaid', with a stylized, flowing script.

February 14, 2008

*Kristine Kincaid*

Kristine Kincaid

Supervisory Patent Examiner

AU 2139